

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 1:14CR77-HSO-RHW-1

HOSEA BLACKSTON

ENTRY OF GUILTY PLEA

BEFORE THE HONORABLE HALIL S. OZERDEN
UNITED STATES DISTRICT JUDGE
FEBRUARY 18TH, 2015
JACKSON, MISSISSIPPI

APPEARANCES:

FOR THE GOVERNMENT: MR. JOHN A. MEYNARDIE

FOR THE DEFENDANT: MR. DOYLE LEE COATS

REPORTED BY: MARY VIRGINIA "Gina" MORRIS, RMR, CRR

501 E. Court, Suite 2.500
Jackson, Mississippi 39201
(601) 608-4187

1 THE COURT: Please be seated. We're here in criminal
2 matter 1:14cr77, *United States v. Hosea Blackston*, scheduled
3 for change of plea. Would counsel please make your appearances
4 for the record.

5 MR. MEYNARDIE: John Meynardie for the United States,
6 your Honor.

7 MR. COATS: Doyle Coats for the defendant, Hosea
8 Blackston.

9 THE COURT: And, Mr. Coats, for the record, is your
10 client present in the courtroom?

11 MR. COATS: Yes, sir, he is.

12 THE COURT: All right. I've been presented with the
13 originals of the plea agreement and plea supplement. Let me
14 take a moment to look at those and then we'll get started. And
15 in the meantime, Mr. Meynardie, pursuant to the Crime Victims'
16 Rights Act, are there any victims to this offense?

17 MR. MEYNARDIE: No, your Honor.

18 (COURT EXAMINED DOCUMENTS)

19 THE COURT: All right. I've reviewed the plea
20 agreement and the plea supplement. They've been executed by
21 counsel for the government as well as counsel for the
22 defendant. At this time, Mr. Coats, if you and your client
23 would approach the podium, I want to ask him to raise his right
24 hand to the extent he's able and take the oath and we'll get
25 started.

1 (DEFENDANT ADMINISTERED THE OATH)

2 THE COURT: Sir, would you please state your full name
3 for the record.

4 THE DEFENDANT: Hosea Blackston.

5 THE COURT: Mr. Blackston, you can put your hand down.
6 Mr. Blackston, do you understand that you are now under oath
7 and that if you answer any of my questions here today falsely,
8 your answers may later be used against you in another
9 prosecution for perjury or making a false statement? Do you
10 understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Are you able to read, speak and understand
13 the English language?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And are you a citizen of the United
16 States?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: If at any point this morning you do not
19 understand something I say or a question I ask, please let me
20 know. I'm happy to repeat myself. Also if at any point you
21 would like to stop and consult with your lawyer, I'm happy to
22 let you do that as well. Just let me know that. Do you
23 understand all that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: First thing I have to do this morning is

1 establish what we refer to as your competence to enter a plea.
2 That means I need to ask some questions to establish that what
3 you're doing here this morning is a knowing and voluntary act
4 and that you understand what you're doing. So I'll begin with
5 some of those. How old are you, sir?

6 THE DEFENDANT: 41.

7 THE COURT: How far did you go in school?

8 THE DEFENDANT: 12th grade.

9 THE COURT: Did you graduate or get a GED?

10 THE DEFENDANT: Got my GED.

11 THE COURT: And you are able to read and write?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Have you been treated recently for any
14 mental illnesses or addictions to alcohol or narcotic drugs of
15 any kind?

16 THE DEFENDANT: No, sir.

17 THE COURT: Have you ever been treated for any mental
18 illnesses or addictions to alcohol or narcotic drugs of any
19 kind?

20 THE DEFENDANT: No.

21 THE COURT: As you stand here today, are you presently
22 under the influence of any drug, alcoholic beverage,
23 prescription medication or any other substance that would
24 affect your ability to understand what is taking place here?

25 THE DEFENDANT: No, sir.

1 THE COURT: Are you capable of consulting with your
2 attorney and understanding what he is telling you?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand why we are and what is
5 happening?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And do you understand the seriousness of
8 these proceedings?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And do you understand that the purpose of
11 your appearance here today is to change your plea in this case
12 from not guilty to guilty to Count 6 of the indictment? Do you
13 understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mr. Coats, have you met with your client?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And in your opinion, is he capable of
18 understanding these proceedings and your advice?

19 MR. COATS: Yes, sir.

20 THE COURT: Is there any question in your mind about
21 his competence to enter a plea?

22 MR. COATS: No, sir.

23 THE COURT: Mr. Meynardie, is the government aware of
24 any issues with respect to the defendant's competence to enter
25 a plea?

1 MR. MEYNARDIE: No, your Honor.

2 THE COURT: Mr. Blackston, have you received a copy of
3 the indictment pending against you in this case, that is, the
4 written charges brought against you by the government?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you had an opportunity to review the
7 indictment with your attorney and fully discuss the charges in
8 it with your attorney?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And were you able to ask your attorney any
11 and all questions you may have had about the charges in the
12 indictment?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Did you understand his answers?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you also discussed with your attorney
17 possible defenses, if any, that you might have to these
18 charges?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Were you able to ask your attorney any
21 questions you may have had about that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Did you understand his answers?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Has your attorney also discussed with you

1 possible witnesses, if any, who could be called to testify in
2 your defense to these charges?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Were you able to ask your attorney any
5 questions you may have had about that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Did you understand his answers?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Did your attorney also review and discuss
10 with you the evidence that the government intended to produce
11 at trial to support the charges against you?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Were you able to ask your attorney any
14 questions you may have had about that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you understand his answers?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Are you satisfied with the amount of time
19 you've been able to spend with your attorney?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you satisfied with the amount of time
22 your attorney has spent working on your case?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are you fully satisfied with the counsel,
25 representation and advice given to you in this case by your

1 attorney?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: If you had any complaints or objections
4 whatsoever regarding the services provided to you by your
5 attorney, now is the time to make those objections. Do you
6 have any?

7 THE DEFENDANT: No, sir.

8 THE COURT: Now, I understand your willingness to
9 plead guilty this morning is the result of some discussions
10 that either you or your attorney have had with the attorney for
11 the government which have resulted in this written plea
12 agreement and plea supplement. Is that correct?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And is your signature on the plea
15 agreement and plea supplement?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Did you have a full opportunity to read
18 and discuss the plea agreement and the plea supplement with
19 your attorney before you signed those two documents?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And were you able to ask your attorney any
22 and all questions may have had about the plea agreement and the
23 plea supplement?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Did you understand his answers?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And do you completely understand all the
3 terms of the plea agreement and the plea supplement?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Coats, are you satisfied your client
6 completely understands all the terms of the plea agreement and
7 the plea supplement?

8 MR. COATS: Yes, your Honor.

9 THE COURT: Now, at this time, Mr. Blackston, I'm
10 going to ask the attorney for the government to state into the
11 record some of the highlights or key terms of your agreement
12 with the government. I want you to listen to what he has to
13 say because when he's finished, I'm going to ask you if you
14 understand and agree with these terms. Mr. Meynardie.

15 MR. MEYNARDIE: Your Honor, if the defendant enters a
16 guilty plea to Count 6 of the indictment, the government is
17 going to recommend that the court accept his plea. And we will
18 at the time of sentencing move to dismiss the remaining counts
19 of the indictment.

20 There are a number of other provisions, but I want to
21 call particular attention to the waiver provision in paragraph
22 8 in which the defendant has -- is waiving the right to appeal
23 the conviction and sentence imposed in the case or the manner
24 in which the sentence is imposed, waiving the right to contest
25 the conviction and sentence or the manner in which the sentence

1 is imposed any postconviction proceeding, including, but not
2 limited to, a motion under Section 2255 of Title 28, waiving
3 any right to seek attorneys' fees and/or costs under the Hyde
4 Amendment, and acknowledges that the government's position in
5 this prosecution is not vexatious, frivolous or in bad faith.

6 He's waiving all rights, whether asserted directly or
7 by a representative, to request or receive from any department
8 or agency of the United States records pertaining to the
9 investigation or prosecution under the Freedom of Information
10 Act, the Privacy Act or any other statute. And he is
11 acknowledging and agreeing that any factual issues regarding
12 sentencing will be resolved by the sentencing judge under a
13 preponderance of the evidence standard and waives any right to
14 a jury determination of these sentencing issues. He does,
15 however, reserve the right to raise issues concerning
16 ineffective assistance of counsel.

17 I would note, your Honor, that this is I believe the
18 only plea agreement that was a offered to the defendant.

19 THE COURT: All right. Mr. Blackston, did you hear
20 everything the attorney for the government had to say?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Did you understand everything he had to
23 say?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And do you agree with these terms?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You understand that what he read there
3 were just the highlights. The complete agreement with the
4 government is governed by all the terms contained in these two
5 documents, the plea agreement and the plea supplement. Do you
6 understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, has anyone made any other or
9 different promises or assurances of any kind to you other than
10 those contained in the plea agreement and the plea supplement
11 in an effort to induce you to plead guilty in this case?

12 THE DEFENDANT: No.

13 THE COURT: Mr. Coats, is that correct? This was the
14 only plea offer exchanged?

15 MR. COATS: That's correct, your Honor.

16 THE COURT: All right. Now, Mr. Blackston, has anyone
17 attempted in any way to force you or threaten you to plead
18 guilty in this case?

19 THE DEFENDANT: No, sir.

20 THE COURT: Are you pleading guilty of your own free
21 will because you are, in fact, guilty?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, do you understand that the terms of
24 the plea agreement and the plea supplement are merely
25 recommendations to the court, that I can reject those

1 recommendations without permitting you to withdraw your plea of
2 guilty and then impose a sentence that is more severe than you
3 may anticipate? Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now, do you also understand that by
6 entering into this plea agreement and pleading guilty here
7 today you are going to waive the right to appeal your
8 conviction and sentence in this case? Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: That last question pertains to the waivers
11 that Mr. Meynardie mentioned. Those are at paragraph 8 of your
12 plea agreement, and I want to review them with you again and
13 make sure you understand them.

14 Now, do you understand that as part of this plea
15 agreement, by pleading guilty here today you do reserve the
16 right to raise ineffective assistance of counsel claims.
17 However, you are waiving the right to appeal the conviction and
18 sentence imposed in this case or the manner in which the
19 sentence is imposed on any grounds whatsoever. Do you
20 understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You're also waiving the right to contest
23 the conviction and sentence or the manner in which the sentence
24 is imposed in any postconviction proceeding, including, but not
25 limited to, a motion brought under Title 28, United States

1 Code, Section 2255. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You're also waiving any right to seek
4 attorneys' fees or costs in this case and you're acknowledging
5 that the government's position in this case was not vexatious,
6 frivolous or in bad faith. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you also understand that you're waiving
9 all rights, whether asserted directly by you or through a
10 representative, to request or receive from any department or
11 agency of the United States any records pertaining to the
12 investigation or prosecution of this case? Do you understand
13 that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you also understand and agree that any
16 factual issues regarding your sentencing will be decided by the
17 sentencing judge under a preponderance of the evidence
18 standard, which is a lower standard of evidence than would
19 apply at a jury trial? Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And do you also understand that you're
22 waiving any right to have a jury decide any of these sentencing
23 issues?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you further understand and agree that

1 in making its sentencing decision, the court may consider any
2 relevant evidence without regard to whether that evidence would
3 be admissible under the rules of evidence that would apply at a
4 trial? Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you read each and every one of these
7 waivers, Mr. Blackston?

8 THE DEFENDANT: I read some of them.

9 THE COURT: All right. Have you discussed them all
10 with your attorney?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And have you asked your attorney any and
13 all questions you may have had about them?

14 THE DEFENDANT: Yes, I have.

15 THE COURT: And did you understand his answers?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you fully and completely understand all
18 these waivers and what the consequences of the waivers are?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And do you fully and completely understand
21 and knowingly and voluntarily agree to all the waivers along
22 with all the other terms of the plea agreement and the plea
23 supplement?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Mr. Coats, are you satisfied your client

1 knowingly and voluntarily agrees and completely understands all
2 the waivers along with all the other terms of the plea
3 agreement and the plea supplement?

4 MR. COATS: Yes, sir.

5 THE COURT: All right. At this time I'll accept the
6 plea agreement and the plea supplement and direct that it be
7 filed in the record and further direct that the plea supplement
8 be filed under seal.

9 Now, Mr. Blackston, you understand that the offense to
10 which you are seeking to plead guilty is a felony offense and
11 that if your plea is accepted by the court, you will be
12 adjudged guilty of that offense and such adjudication of guilt
13 may deprive you of valuable civil rights, such as the right to
14 vote, the right to hold public office, the right to serve on a
15 jury, and the right to possess any kind of firearm? Do you
16 understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I'm required to inform you of the maximum
19 and mandatory minimum penalties to which you would be exposed
20 by pleading guilty to this charge. You're seeking to plead
21 guilty to Count 6 of the indictment which charges you with
22 violating Title 21, United States Code, Section 841(a)(1),
23 possession with intent to distribute a controlled substance.
24 If you plead guilty to this charge, the maximum and mandatory
25 minimum penalties to which you would be exposed are as follows.

1 A term of imprisonment of not less than five years, up
2 to a maximum of 40 years; a fine of up to \$5 million; a term of
3 supervised release of at least four years; and a \$100 special
4 assessment. Do you understand that these are the maximum and
5 mandatory minimum penalties to which you would be exposed by
6 pleading guilty to this charge?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you discussed them with your attorney
9 and asked him any questions you may have had about them?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Did you understand his answers?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Now, do you understand that a term of
14 supervised release is imposed in addition to any sentence of
15 imprisonment? Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And do you understand that what supervised
18 release is is a period of time following your release from any
19 term of imprisonment during which your activities would be
20 monitored and supervised by the probation office? Do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you also understand that a violation of
24 any of the conditions of supervised release could subject you
25 to imprisonment for the entire term of supervised release

1 without credit for any time you might have already served on
2 that term of supervised release? Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you also understand that because this
5 offense carries a maximum possible sentence of 25 years or
6 more, a sentence of probation is not available in this case?
7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Meynardie, will forfeiture be
10 applicable in this case?

11 MR. MEYNARDIE: No, your Honor.

12 THE COURT: Do you also understand, Mr. Blackston,
13 that for each offense you must pay a special assessment of \$100
14 per count which because you're pleading guilty to one count
15 would be \$100? Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand all these possible
18 consequences of your plea here today?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Have you discussed them with your attorney
21 and asked him any questions you may have had about them?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And did you understand his answers?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Now, under the Sentencing Reform Act of

1 1984, the United States Sentencing Commission has issued
2 sentencing guidelines for judges to follow to determine the
3 sentence in a criminal case. Your sentence in this case will
4 be determined by considering a combination of these advisory
5 sentencing guidelines, possible authorized departures from
6 those guidelines and other statutory sentencing factors set
7 forth by Congress at Title 18, United States Code, Section
8 3553. Have you and your attorney talked about how the
9 sentencing guidelines might apply to your case?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And do you understand that the court will
12 not be able to determine the guideline sentence range for your
13 case until after the probation office has prepared a
14 presentence report and you and the government have both had an
15 opportunity to review that report and to challenge or object to
16 the reported facts and proposed application of the sentencing
17 guidelines recommended by the probation officer? Do you
18 understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you also understand that the sentence
21 ultimately imposed by the court may be different from any
22 estimate that your attorney may have given you? Do you
23 understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you also understand that after your

1 initial advisory sentencing guideline range has been
2 determined, the court has the authority under some
3 circumstances to depart upward above the guideline range or
4 downward below the guideline range, and the court will also
5 examine other statutory sentencing factors at Title 18, United
6 States Code, Section 3553, that could result in the imposition
7 of a sentence that is either greater than or lesser than the
8 advisory guideline sentence range? Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you also understand that the court in
11 its discretion could sentence you up to the maximum prison
12 sentence provided by statute, which in this case would be 40
13 years but not less than five years. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you also understand that parole has
16 been abolished and that if you were sentenced to prison, you
17 will not be released on parole?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You're also waiving some constitutional
20 rights by pleading guilty today. I want to review those with
21 you to make sure you understand those. Now, do you understand
22 that you have the right to plead not guilty to any offense
23 charged against you and to persist in that plea? Do you
24 understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: That you would then have the right to a
2 trial by a jury. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And at that trial you would be presumed to
5 be innocent and the government would have to prove your guilt
6 beyond a reasonable doubt. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You would have the right to the assistance
9 of counsel for your defense at trial and at every stage of the
10 proceedings and, if necessary, the court would appoint an
11 attorney for you. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You'd have the right to see and hear all
14 the witnesses who testify and to have them cross-examined in
15 your defense. Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You would have the right to the issuance
18 of subpoenas or compulsory process to compel witnesses to
19 attend to testify in your defense. Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You would also have the right on your own
22 part to refuse to testify unless you voluntarily elected to do
23 so in your own defense. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And do you also understand that if you

1 decided not to testify or not to put on any evidence
2 whatsoever, those facts could not be used against you? Do you
3 understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you also understand that by entering a
6 plea of guilty, if that plea is accepted by the court, there
7 will not be a trial and you will have waived or given up your
8 right to a trial as well as all those other rights associated
9 with a trial as I have just described them? Do you understand
10 that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: I'm required to inform you of the charge
13 to which you are seeking to plead guilty. You're seeking to
14 plead guilty to Count 6 of the indictment which charges as
15 follows.

16 That on or about February 26th, 2014, in George County
17 in the Southern Division of the Southern District of
18 Mississippi and elsewhere, the defendant, Hosea Blackston,
19 aided and abetted by others, known and unknown to the grand
20 jury, did knowingly and intentionally possess with intent to
21 distribute more than five grams of actual methamphetamine, a
22 Schedule II narcotic drug controlled substance, as prohibited
23 by Section 841(a)(1), Title 21, United States Code, and Section
24 2, Title 18, United States Code.

25 Have you seen the indictment against you in this case,

1 Mr. Blackston?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And have you read this charge to which
4 you're seeking to plead guilty?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you had a full opportunity to discuss
7 the charge with your attorney and ask him any and all questions
8 you may have had about it?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Did you understand his answers?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And do you fully and completely understand
13 the charge against you in Count 6?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mr. Coats, do you agree that your client
16 fully and completely understands the charge against him in
17 Count 6?

18 MR. COATS: Yes.

19 THE COURT: I also need to explain to you,
20 Mr. Blackston, the essential elements of the charge contained
21 in Count 6. These are the things the government would have to
22 prove. They would have to prove them beyond a reasonable doubt
23 in order for you to be found guilty.

24 Count 6 of the indictment charges you with violating
25 Title 21, United States Code, Section 841(a)(1), which makes it

1 a crime for anyone knowingly or intentionally to possess a
2 controlled substance with the intent to distribute it. Actual
3 methamphetamine is a controlled substance within the meaning of
4 this law. In order for you to be found guilty of this crime,
5 the government must prove each of the following essential
6 elements beyond a reasonable doubt.

7 First: That the defendant -- and that would be you --
8 knowingly possessed a controlled substance.

9 Second: That the substance was, in fact, actual
10 methamphetamine.

11 Third: That the defendant -- and that would be you --
12 again, possessed the substance with the intent to distribute;
13 and,

14 Fourth: That the quantity of the substance was at
15 least more than five grams.

16 To possess with intent to distribute simply means to
17 possess with intent to deliver or transfer possession of a
18 controlled substance to another person with or without any
19 financial interest in the transaction.

20 Now, do you understand that those are the essential
21 elements of the charge in Count 6?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Have you discussed them with your attorney
24 and asked him any questions you may have had about them?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Did you understand his answers?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And do you understand what the government
4 would have to prove in order for you to be found guilty?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you fully and completely understand the
7 nature of the charges against you in Count 6, including each of
8 its essential elements?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Coats, are you satisfied that your
11 client fully and completely understands the nature of the
12 charge against him in Count 6, including each --

13 MR. COATS: Yes, your Honor.

14 THE COURT: -- including each of its essential
15 elements? Let me ask the question again. Are you satisfied
16 that your client fully and completely understands the nature of
17 the charge against him in Count 6, including each of its
18 essential elements?

19 MR. COATS: Yes, your Honor.

20 THE COURT: Now, at this time, Mr. Blackston, I'm
21 going to ask the attorney for the government to state into the
22 record those facts the government would be prepared to prove if
23 this case went to trial. I want you to listen carefully to
24 what he has to say because when he's finished I'm going to ask
25 you if you understand and agree with everything he has to say.

1 Mr. Meynardie.

2 MR. MEYNARDIE: Your Honor, if put to its proof, the
3 government would show that it began a long-term investigation
4 into the distribution of crystal methamphetamine in George
5 County involving this defendant and others. In April -- April
6 the 25th of last year, the FBI obtained a Title III wiretap on
7 this defendant's telephone, and for the next 30 days we were
8 listening to his conversations, which involved a number of
9 different conversations with codefendants concerning the
10 distribution of methamphetamine.

11 Specifically as to Count 6, even prior to that
12 wiretap, on February the 26th of 2014, agents used a
13 cooperating source to make a recorded phone call to
14 Mr. Blackston in order to set up a controlled purchase of
15 crystal methamphetamine.

16 On the same date the confidential informant did, in
17 fact, make a controlled purchase of crystal methamphetamine
18 from Mr. Blackston. That substance was sent to a lab where it
19 was positive for methamphetamine. It was 27.9 net grams with a
20 total purity of 98.9 percent. Prior to the actual controlled
21 purchase, the confidential informant was equipped with an
22 electronic device and the transaction was recorded.

23 On May the 22nd, the day before the wiretap came down,
24 agents of the FBI did, in fact, seek out Mr. Blackston and
25 interviewed him, at which time he confessed that he had been

1 receiving shipments of crystal methamphetamine from codefendant
2 Senon Guzman. That would be the proof of the government, your
3 Honor.

4 THE COURT: All right. Mr. Blackston, did you hear
5 everything the attorney for the government had to say?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Did you understand everything he had to
8 say?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you agree with those facts?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Is that, in fact, what happened?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. In a moment, Mr. Blackston,
15 I'm going to ask you for your plea to the charge in Count 6,
16 whether it's guilty or not guilty. Before I do that, is there
17 anything you've not understood or that you wish to discuss with
18 your attorney?

19 THE DEFENDANT: No, sir.

20 THE COURT: All right. How do you now wish to plead
21 to the charge contained in Count 6 of the indictment, guilty or
22 not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: It is the finding of the court in the case
25 of the *United States v. Hosea Blackston* that having viewed the

1 defendant in court and considered his demeanor and responses.
2 the defendant is fully competent and capable of entering an
3 informed plea, that the defendant is aware of the nature of the
4 charges and the consequences of the plea, and that the plea of
5 guilty to Count 6 of the indictment is a knowing and voluntary
6 plea supported by an independent basis in fact containing each
7 of the essential elements of the offense. The plea is
8 therefore accepted and the defendant is now adjudged guilty of
9 that offense.

10 Now, Mr. Blackston, as I mentioned, a written
11 presentence report will need to be prepared by the probation
12 office to assist the court in sentencing. You're going to be
13 asked to give information to the probation officer for this
14 report. It is very important that you provide complete and
15 truthful answers when you meet with the probation officer.

16 You may have your attorney present with you if you
17 wish when you meet with the probation officer. And you and
18 your attorney will be allowed to read the presentence report
19 and file any objections you may have to the presentence report
20 before the sentencing hearing. You and your attorney will also
21 have an opportunity to speak on your behalf at the sentencing
22 hearing before the court imposes any sentence. So when we
23 finish here this morning, I'm going to refer you to Ms. Mentore
24 with the probation office to begin that process.

25 Sentencing in this case will be on Wednesday, May the

1 6th, 2015, at 9:30 a.m. here in this courtroom. Wednesday
2 May 6th, 2015, at 9:30 a.m. here in this courtroom.

3 I understand that the defendant's been in custody
4 pending trial. Has there been any change in his status,
5 Mr. Meynardie?

6 MR. MEYNARDIE: No, your Honor.

7 THE COURT: Any change in his status, Mr. Coats?

8 MR. COATS: No, your Honor.

9 THE COURT: Pursuant to the provisions of the Bail
10 Reform Act, the defendant will be remanded to the custody of
11 the U.S. marshal pending sentencing.

12 Now, Mr. Blackston, you've now been adjudged guilty of
13 a felony. One consequence of that is that you no longer have
14 the right to possess a firearm of any kind for any purpose. Do
15 you understand that, sir?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. Anything further at this time?

18 MR. MEYNARDIE: No, your Honor.

19 MR. COATS: No, your Honor.

20 THE COURT: All right. Defendant's remanded to
21 custody. Court's in recess.

22 (HEARING CONCLUDED)
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1 CERTIFICATE OF REPORTER

2
3 I, MARY VIRGINIA "Gina" MORRIS, Official Court
4 Reporter, United States District Court, Southern District of
5 Mississippi, do hereby certify that the above and foregoing
6 pages contain a full, true and correct transcript of the
7 proceedings had in the aforementioned case at the time and
8 place indicated, which proceedings were recorded by me to
9 the best of my skill and ability.

10 I certify that the transcript fees and format
11 comply with those prescribed by the Court and Judicial
12 Conference of the United States.

13 This the 4th day of August, 2015.

14
15 s/ Gina Morris
16 U.S. DISTRICT COURT REPORTER
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